

REMARKS

Claims 1-48 are pending in the above-captioned patent application after this amendment. Claims 30-40 have been allowed. Claims 1-12, 15-26 and 29 have been rejected. Claims 13, 14, 27 and 28 were objected to. The Applicants have amended claims 1, 12, and 19 and added claims 41-48 with this amendment for the purpose of expediting the patent application process in a manner consistent with the goals of the Patent Office (65 Fed. Reg. 54603) and/or to clarify what the Applicants regard as the present invention.

Support for the amendments to the claims and for new claims 41-48 can be found throughout the originally filed specification. In particular, support can be found in the specification at least at page 19, lines 14-23, pages 22 and 23 and in Figures 3A-3D.

No new matter is believed to have been added by this amendment. Reconsideration of the pending application is respectfully requested.

INTERVIEW SUMMARY

On October 12, 2004, the undersigned attorney and Albert Hartman conducted a telephonic interview with the Primary Examiner, Joseph Waks. During the telephonic interview claims 1 and 19 were discussed. No agreement was reached. Further, the Primary Examiner indicated that he would be requesting a translation of JP 58156235 and JP 2000287499. The Applicants wish to thank the Primary Examiner for his assistance in this matter.

Rejections Under 35 U.S.C. §102(b)

Claims 1, and 9-12 were rejected under 35 U.S.C. §102(b) as being anticipated by Fujisawa, JP 58156235, ("Fujisawa"). The Applicants respectfully submit that claims 1, and 9-12 are patentable over the cited reference.

The Applicants provide that Fujisawa is directed to a human powered, power supply device that includes a circuit that rectifies and places a fixed limit on the maximum voltage that can appear across a large output capacitor during charging. The circuit includes a plurality of Zener diodes that set the peak value directed to the

capacitor. These Zener diodes are not adjustable and they are used to prevent an excess voltage from being applied to the capacitor. The circuit does not actively adjust or modulate the voltage that is applied to the capacitor. See translation of Fujisawa.

In contrast to Fujisawa, claim 1 is directed to a “portable power source ... comprising: a housing; a stator component coupled to the housing; a rotor component that is moved relative to the stator component by the user to generate electrical energy; and a control system including a plurality of electrical components that receive the electrical energy and dynamically electronically adjusts the level of an output electrical energy to the object between multiple, discrete electrical energy levels without changing the electrical components.”

Because Fujisawa does not disclose all of the elements of claim 1, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 9-12 depend either directly or indirectly upon claim 1, the § 102(b) rejection of these claims is also unsupported by the art and should be withdrawn.

Claims 1-8, 12, 19-26, and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by Baylis, U.S. Patent No. 5,917,310, (“Baylis”). The Applicants respectfully submit that claims 1-8, 12, 19-26, and 29 are patentable over the cited reference.

The Applicants provide that Baylis is directed to a human powered generator that includes a spring, a generator connected to the spring, and a control circuit that is connected to the output of the generator. Initially, the spring is wound by the user to store mechanical energy that can be used to rotate the generator. Subsequently, the control circuit limits the maximum speed at which the spring can uncoil. (Column 2, line 55- column 4, line 3). Moreover, the electrical energy initially generated in the Baylis device is not diverted to provide power to the control system.

In contrast to Baylis, claim 1 is directed to a “portable power source ... comprising: a housing; a stator component coupled to the housing; a rotor component that is moved relative to the stator component by the user to generate electrical energy; and a control system including a plurality of electrical components that receive the electrical energy and dynamically electronically adjusts the level of an output electrical energy to the object between multiple,

discrete electrical energy levels without changing the electrical components.”

Because Baylis does not disclose all of the elements of claim 1, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 2-8, and 12 depend either directly or indirectly upon claim 1, the § 102(b) rejection of these claims is also unsupported by the art and should be withdrawn.

In contrast to Baylis, claim 19 is directed to a “portable power source ... comprising: a housing; a stator component coupled to the housing; a rotor component that is moved relative to the stator component by the user to generate electrical energy; and a control system that receives the electrical energy, the control system including a processor, a first regulator the controls the level of an output electrical energy to the object, and a second regulator that diverts at least a portion of the electrical energy and regulates the electrical energy to the processor.”

Because Baylis does not disclose all of the elements of claim 19, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 20-26, and 29 depend either directly or indirectly upon claim 19, the § 102(b) rejection of these claims is also unsupported by the art and should be withdrawn.

Claims 1, 3, 15, and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Sony Corp., JP 2000287499, (“Sony Corp.”). The Applicants respectfully submit that claims 1, 3, 15, and 16 are patentable over the cited reference.

The Applicants provide that Sony Corp. is directed to a manual generator that includes a handle, a Rota section, a clutch device that attaches the handle to the Rota section, and a control circuit. If the rotational input of the handle is too much, the clutch device will slip and excess manual input will be suppressed. The control circuit utilizes a current bypass circuit that slowly starts to short circuit the generator output to limit the voltage produced by the generator. This short circuit wastes the input energy and merely increases the user's load.

In contrast to Sony Corp., claim 1 is directed to a “portable power source ... comprising: a housing; a stator component coupled to the housing; a rotor component that is moved relative to the stator component by the user to generate

electrical energy; and a control system including a plurality of electrical components that receive the electrical energy and dynamically electronically adjusts the level of an output electrical energy to the object between multiple, discrete electrical energy levels without changing the electrical components.”

Because Sony Corp. does not disclose all of the elements of claim 1, the § 102(b) rejection is unsupported by the art and should be withdrawn. Because claims 3, 15, and 16 depend either directly or indirectly upon claim 1, the § 102(b) rejection of these claims is also unsupported by the art and should be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sony Corp. in view of Taylor, U.S. 5,496,238. Further, Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sony Corp. The Applicants respectfully disagree with and traverse the rejections of claims 17 and 18 under 35 U.S.C. §103(a).

As provided above, the rejection of claim 1 is unsupported by the art and should be withdrawn. Therefore, claim 1 negates a prima facie showing of obviousness with respect to the cited references. Accordingly, the rejection of claims 17 and 18, which depend either directly or indirectly from claim 1, is also unsupported by the art and should also be withdrawn.

New Claims

New claims 41-48 has been added by this amendment. These claims are of a slightly different scope than the previously pending claims. However, these claims are considered to be patentable in view of the cited references.

Double Patenting

Claims 2 and 3 are provisionally rejected under the judicially created doctrine of double patenting over claim 3 of copending Application No. 10/226,373. The Applicants agree to file a terminal disclaimer upon the confirmation that claims 2 and 3 are patentable over the cited references.

Conclusion

In conclusion, the Applicants respectfully assert that claims 1-48 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 858-456-1951 for any reason that would advance the instant application to issue.

Dated this the 18th day of October, 2004.

Respectfully submitted,



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